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ACTION HA-25

INFO COT-21 AFA-10 ISO-30 PM-05 WSC-05 SP-02 SS-15
CIAF-24 INR-27 NSAF-00 DODE-00 TRSF-00 L-03 IO-17
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EXCISE

P 251216Z NOV 77
FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC PRIORITY 5307
SUBJ: HUMAN RIGHTS - LAW APPROVED TRANSFERRING PARDON
AUTHORITY TO PRESIDENT

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY J. Moore DATE 5/1/80
PORTIONS DENIED AS INDICATED

REF: 11652; XGDS
TAGS: PINS, PGOV, SHUM, UY
SUBJ: HUMAN RIGHTS - LAW APPROVED TRANSFERRING PARDON
AUTHORITY TO PRESIDENT

REF: MONTEVIDEO 5392
EIGHT UNCLASSIFIED

1. NOVEMBER 22, THE URUGUAYAN COUNCIL OF STATE
APPROVED A LAW TRANSFERRING THE PARDON AUTHORITY
("POTESTAD DE GRACIA") FROM THE FORMER JUDICIAL
POWER (WHICH RECENTLY WAS DEPRIVED OF ITS AUTONOMY
BY INSTITUTIONAL ACT NO. 8) TO THE PRESIDENT,
EFFECTIVE JANUARY 1, 1978. PRELIMINARY REPORTS OF
THE LAW'S CONTENT INDICATE THAT IT APPLIES TO PRISONERS
IN BOTH THE CIVIL AND MILITARY JUSTICE SYSTEMS
WHOSE CASES ARE STILL IN PROCESS; E.G., A RULING ON
THE FINAL PERMITTED APPEAL HAS NOT BEEN MADE. THESE
REPORTS ALSO NOTE THAT THE PARDON AUTHORITY IS FOR
INDIVIDUAL CASES ONLY, AND VAGUELY DISTINGUISH
THIS AUTHORITY FROM AMNESTY ("AMNISTIA") AND
COMUTATION OF SENTENCE ("INDULTO").
END UNCLASSIFIED

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2. COMMENT: APPROVAL OF THIS LONG AWAITED MEASURE STILL
LEAVES OPEN MANY QUESTIONS, MOST IMPORTANTLY THE MANNER IN
WHICH THE EXECUTIVE INTENDS TO USE THIS NEW POWER (IF AT ALL)
IN THE CASES OF POLITICAL DETAINEES. REPTEL REPORTED
INFORMATION FROM VARIOUS SOURCES INDICATING A GOV
WILLINGNESS TO RELEASE SOME PRISONERS ON A SELECTED BASIS,
WITHOUT REFERENCE TO THE ANTICIPATED TRANSFER OF THE PARDON
POWER.

...WILL FURNISH MORE
INFORMATION ON THE GOVERNMENT OF THE LAW AND AN ANALYSIS
OF ITS PROBABLE APPLICATION TO THE URUGUAYAN POLITI-

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CAL PRISONER PROBLEM IN A SUBSEQUENT MESSAGE.
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